



[Billing Code 3290-F8]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2017–0023]

**Request for Comments Regarding the Administration’s Action Following a
Determination of Import Injury with Regard to Large Residential Washers**

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: The United States International Trade Commission (ITC) has determined that large residential washers are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article that is like or directly competitive with the imported articles. The Commissioners who voted in the affirmative are now conducting a process to recommend a remedy (or safeguard measure) for the President to apply. The Office of the United States Trade Representative (USTR), on behalf of the Trade Policy Staff Committee (TPSC), is announcing a process so that, once the ITC makes its recommendation, domestic producers, importers, exporters, and other interested parties may submit their views and evidence on the appropriateness of the recommended safeguard measure and whether it would be in the public interest. USTR also invites interested parties to participate in a public hearing regarding this matter.

DATES: December 11, 2017 at midnight EST: Deadline for submission of written comments and for requests to testify at the hearing.

December 18, 2017 at midnight EST: Deadline for submission of written responses to the initial round of comments.

January 3, 2018 at 9:30 am EST: The TPSC will hold a public hearing in Rooms 1 and 2, 1724 F Street NW, Washington DC.

ADDRESSES: USTR strongly encourages electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in section III below. The docket number is Docket No. USTR–2017–0023. For alternatives to on-line submissions, please contact Yvonne Jamison, Trade Policy Staff Committee at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: Victor Mroczka, Office of WTO and Multilateral Affairs, at vmroczka@ustr.eop.gov or (202) 395-9450, or Juli Schwartz, Office of General Counsel, at juli_c_schwartz@ustr.eop.gov or (202) 395-3150.

SUPPLEMENTARY INFORMATION:

I. The ITC Investigation and Section 201

On June 5, 2017, the ITC instituted Investigation No. TA–201–076 under section 202 of the Trade Act (19 U.S.C. 2252), as a result of a petition properly filed on May 31, 2017, and amended on June 5, 2017, by Whirlpool Corp., a domestic producer of large residential washers. The ITC would determine if large residential washers were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article that is

like or directly competitive with the imported articles. The ITC's notice of institution (82 FR 27075) identifies the scope of the products covered by this investigation.

On October 5, 2017, after receiving submissions from interested parties and holding a public hearing that provided an opportunity to present opposing views and supporting evidence, the ITC determined that increased imports of residential washers into the United States are a substantial cause of serious injury to the domestic industry. You can find the ITC determination and additional information about the investigation, including the administrative record consisting of briefs and other submissions, in the Electronic Document Information System (EDIS) on the ITC website at www.usitc.gov.

In light of the affirmative finding on injury, the ITC held a public hearing on October 19, 2017, regarding the question of remedy and interested parties received an opportunity to file submissions on this issue. On December 4, 2017, after the remedy hearing and consideration of the submissions, including post-hearing submissions, the ITC will submit a report to the President with its recommendation on action(s) to address the serious injury, or threat thereof, to the domestic industry and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

II. Proposed Measure and Opportunity to Comment

Section 201 of the Trade Act (19 U.S.C. 2251) authorizes the President, in the event of an affirmative determination by the ITC, to take all appropriate and feasible action within his power that he determines will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs. The statute provides for the President to take action within 60

days after receiving the ITC report, subject to any decision the President makes to request additional information from the ITC. In accordance with section 203(a)(1)(C) of the Trade Act (19 U.S.C. 2253(a)(1)(C)), the TPSC will make a recommendation to the President. This recommendation will take into account the ITC recommendation, the extent to which the domestic industry will benefit from adjustment assistance, the efforts of the domestic industry to make positive adjustments, and other relevant considerations.

The potential action the President may take to provide a remedy in the form of a safeguard measure includes:

- Imposition, or increase, of a duty on the imported articles in question
- Use of a tariff-rate quota.
- Modification or imposition of any quantitative restriction on the importation of the articles into the United States.
- A proposal to negotiate and carry out an agreement with foreign countries to limit the exportation from foreign countries and importation into the United States.
- Procedures for the granting of import licenses.
- Other negotiations to identify the underlying cause of the increased imports to alleviate the injury or threat thereof.
- Legislative proposals that would facilitate a positive adjustment.
- Other action consistent with the President's authority.
- Any combination of these actions.

USTR offers these potential remedies for further consideration by domestic producers, importers, exporters, and other interested parties, and invites views and evidence on

whether a proposed remedy is appropriate and in the public interest. In commenting on the action to take, we request that you address:

1. the appropriateness of any other proposed action and how it would be in the public interest;
2. the short- and long-term effects the proposed action is likely to have on the domestic residential washers industry, other domestic industries, and downstream consumers; and
3. the short- and long-term effects that not taking the proposed action is likely to have on the domestic residential washers industry, its workers, and on other domestic industries and communities.

The TPSC will convene a public hearing on January 3, 2018, at 9:30 am EST in Rooms 1 and 2, 1724 F Street NW, Washington DC. Requests to testify are due on December 11, 2017, and must include: (1) the name, address, telephone number, email address, and firm or affiliation of the individual wishing to testify, and (2) a brief summary of the proposed oral presentation. Please note the following:

- Your written comments should include a summary of no more than two pages that identifies the key points.
- The deadline to submit a request to testify at the hearing is December 11, 2017 at midnight EST and it must include your written comments.
- The TPSC will not accept written testimony at the hearing. You must include any materials you intend to use during your testimony with the written comments you submit.

We will provide information about the format and schedule for the hearing to interested parties.

III. Submission Instructions

USTR seeks public comments with respect to the issues described in Section II. To be assured of consideration, you must submit written comments by midnight EST on December 11, 2017, and any written responses to those comments by midnight EST on December 18, 2017. All comments must be in English and must identify on the reference line of the first page of the submission “Section 201: Large Residential Washers.”

We strongly encourage commenters to make on-line submissions using the www.regulations.gov website. To submit comments via www.regulations.gov, enter docket number USTR-2017-0023 on the home page and click “search.” The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled “Comment Now!” For further information on using www.regulations.gov, please consult the resources provided on the website by clicking “How to Use Regulations.gov” on the bottom of the home page. We will not accept hand-delivered submissions.

The www.regulations.gov website allows users to provide comments by filling in a “Type Comment” field, or by attaching a document using an “Upload File” field. We prefer that you provide comments as an attached document in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the “Type Comment” field. File names should reflect the name of the person or entity submitting the comments. Please do not attach

separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comments submitted electronically that contain business confidential information, the file name of the business confidential version should begin with the characters “BC”. Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A filer requesting business confidential treatment must certify that the information is business confidential and would not customarily be released to the public by the submitter.

Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character “P”. The “BC” and “P” should be followed by the name of the person or entity submitting the comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

As noted, we strongly urge submitters to file comments through www.regulations.gov. You must make arrangements for any alternative method of submission with Yvonne Jamison at (202) 395-3475 in advance of transmitting a comment. You can find general information about USTR at www.ustr.gov.

We will post comments in the docket for public inspection, except business confidential information. You can view comments on www.regulations.gov by entering the relevant docket number in the search field on the home page.

Edward Gresser,
Chair of the Trade Policy Staff Committee,
Office of the United States Trade Representative.
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